



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Safety
Michael McGrath, Director
601 Lakeside Avenue, Room 230
Cleveland, Ohio 44114-1015
216/664-3736 • Fax: 216/664-3734
www.cleveland-oh.gov

February 9, 2015

Patrol Officer Bryan Myers #674

Brecksville, Ohio

Patrol Officer Myers #674:

Please be advised a conference has been scheduled before the Director of Public Safety and/or his representative, to determine whether you violated the following rules of the Manual of Rules, Department of Public Safety, and the rules of the Civil Service Commission of the City of Cleveland.

STATEMENT OF POLICY

In part:

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations shall be a basis for disciplinary action. Disciplinary action includes, but is not limited to, verbal and written reprimands and the preferring of divisional charges which can result in suspension, loss of pay, demotion or termination. The rules, regulations, and standards contained in this manual shall apply whether the officer or employee is on or off duty. Where a conflict exists between a Rule and Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

SWORN POLICE RANKS

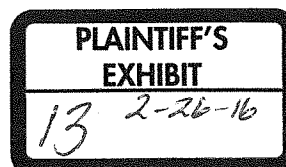
Rule 1.07: Patrol Officer

Patrol Officers shall be held responsible for the good order of their assignment and shall be prepared at all times to inform their superior officers of the conditions of their post, beat, or zone.

They shall be under the immediate supervision of the head of the administrative unit to which assigned. They shall perform such duties and work such hours as designated by their superior officer. They shall cooperate with all other personnel in the performance of police duties.

An Equal Opportunity Employer

Attachement B



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They shall acquire a thorough knowledge of the criminal laws and the rules of evidence so that they may carry out their duties in an efficient manner.

Specification #1: On November 12, 2014 it was determined that you (Patrol Officer Bryans Myers #674) failed to notify EMS in a timely fashion when it became apparent a respondent you were in contact with was in need of medical assistance.

The specifications are in violation of the rules, regulations and procedures of the Division of Police, Department of Public Safety.

General Police Order 1.1.01: City of Cleveland Mission Statement and Ethics Policy

PURPOSE: To establish a Mission Statement that provides vision, purpose and direction for the Division of Police and to establish an ethics policy to guide the actions of all its members.

POLICY: Members of the Division of Police shall carry out their mission in accordance with the strictest ethical guidelines. Division members shall conduct themselves in a manner that fosters public confidence in the integrity of Cleveland's government, its processes, and its accomplishments.

Members of the Division of Police shall be guided by the values expressed in the City of Cleveland Mission Statement, the City of Cleveland Ethics Policy, and the Division of Police Manual of Rules and Regulations.

City of Cleveland Mission Statement

We are committed to improving the quality of life in the City of Cleveland by strengthening our neighborhoods, delivering superior services, embracing the diversity of our citizens and making Cleveland a desirable, safe city in which to live, work, raise a family, shop, study, play and grow old.

Specification: As enumerated in specification for violation of Rule 1.07.

General Police Order 1.1.02: Values Mission Statement

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PURPOSE: To establish a Values Mission Statement for the Division of Police that provides vision, purpose and direction for the members of the Division.

POLICY: Members of the Division of Police shall not only be guided by the City Mission Statement, but by the values that the members of the Division shall live by.

Values Mission Statement of the Cleveland Division of Police

The Mission of the members of the Cleveland Division of Police is to enhance the quality of life, strengthen our neighborhoods and deliver superior services with professionalism, respect, integrity, dedication and excellence by working in partnership with our neighborhoods and community.

Professionalism

We take pride in ourselves, our profession and our community. Working as a team, we will be role models for our community by enthusiastically excelling in quality performance.

Respect

We consistently treat all people with dignity, compassion, courtesy and without prejudice. We protect the constitutional and civil rights of everyone through impartial enforcement of the law.

Integrity

We hold ourselves accountable to the highest standards of moral and ethical conduct, we maintain public trust by being honest, competent and consistent with our values and actions.

Dedication

We dedicate ourselves to improving the quality of life by developing a partnership with the community. We are committed to protecting life and property, reducing fear and providing a safe environment for all.

Excellence

We hold ourselves to the highest standards of law enforcement. We will continuously improve the quality of service to the community through education, training and development.

**We the members of the Cleveland Division of Police take P.R.I.D.E.
in the community that we serve.**

Specification: As enumerated in specification for violation of Rule 1.07.

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General Police Order 1.1.03: Standards of Conduct and Courtesy

Purpose: To establish professional standards of conduct and courtesy for members of the Cleveland Division of Police who represent the Division in dealing with the general public.

Policy: Division members shall be resourceful and polite when dealing the general public. This includes but is not limited to personal, physical and telephone contact.

Procedures: Division of Police personnel shall:

- I. Not engage in any conduct, speech or acts while on or off duty, which would reasonably tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public.
- II. Not engage publicly in any disparaging conversation detrimental to the Division of Police or its personnel, or representing policy as other than as stated in the rules, general police orders, divisional notices and memorandums (Rule 5.02).
- III. Conduct themselves in such a manner as to command the respect of the public (Rule 5.08).
- IV. Be courteous and respectful in their speech, conduct and contact with others (Rule 5.09).
- V. Remain awake and alert while on duty (Rule 5.12).
- VI. Answer police telephones promptly and identify themselves by name, rank, unit, and in compliance with division procedures (Rule 7.07).

Specification: As enumerated in specification for violation of Rule 1.07.

General Police Order 2.1.01: Use of Force

PURPOSE: To establish guidelines for members of the Cleveland Division of Police relative to the use of force. To provide direction and clarity in those instances when a person's actions require an appropriate use of force response.

POLICY: A respect for human life shall guide members in the use of force. Division members shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the life of the member or others. **Excessive force is strictly prohibited.**

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A member's responsibility is the protection of the public. Standards for the use of force are the same on-duty and off-duty. Members shall not use force that may injure bystanders or hostages, except to preserve life or prevent serious bodily injury. **Deadly force is never justified solely to protect property.** The use of force is not left to the unregulated discretion of the involved member.

Use of force decisions are dictated by the actions of the resistant or combative person, Division policy, proper tactics, and training. Justification for the use of force is limited to the facts actually known or reasonably perceived by the member at the moment that force is used. Deadly force shall not be used to effect an arrest or prevent the escape of a person unless that person presents an imminent threat of death or serious bodily injury to members or others.

PROCEDURES:

V. Use of Less Lethal Force (ULLF)

- A. When force is used, whether or not an injury occurs (whether on-duty, off-duty, or secondary employment) members shall promptly request a supervisor to respond to the scene. Members shall obtain necessary medical assistance for persons appearing to be injured or complaining of injury. An on-duty superior officer from the district in which the incident occurs shall investigate off-duty/secondary employment members' use of force. Supervisors who observe, participate in, authorize, or are otherwise involved in the use of force shall not assume investigative responsibilities of the incident.

Specification: As enumerated in specification for violation of Rule 1.07.

General Police Order 3.2.06: Handling the Mentally Ill

PURPOSE: To establish guidelines for the Cleveland Division of Police to handle persons who are, or may be suffering from mental illness.

POLICY: The Division shall cooperate with Mental Health Services Inc. to deal with persons in need of a psychiatric evaluation. Mental Health Services Inc. may assist to determine the appropriate facility to which a mentally ill person shall be conveyed and offer suggestions for intervention. Officers shall cooperate with mental health agencies and hospitals. If a hospital has a policy forbidding weapons on their premises, officers shall give patients to hospital security and complete paperwork regarding the patient outside the weapons-restricted area. *The Division*

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shall adhere to the provisions of Ohio Revised Code (ORC) 5122.11 Judicial Hospitalization.

PROCEDURES:

- I. A psychiatric emergency exists when an officer learns of, or has custody of a person who is mentally ill and is likely to injure themselves or another. Under Sec. 5122.10 of the Ohio Revised Code, a police officer has authority to take such a person into custody involuntarily, and immediately transport the person to a hospital for psychiatric evaluation.
- II. If *probable cause exists* that a person presents a risk of harm to themselves or others, officers shall stabilize any dangerous or potentially dangerous situation, *and take that person into custody* using handcuffs if necessary.
 - A. *Per ORC 5122.10, officers shall make "every reasonable and appropriate effort.. to take persons into custody in the least conspicuous manner possible. (The officer) taking the respondent into custody pursuant to this section shall explain to the respondent: the name, professional designation, and agency affiliation of the person taking the respondent into custody; that the custody-taking is not a criminal arrest; and that the person is being taken for examination by mental health professionals at a specified mental health facility identified by name."*
 - B. If the person is suffering from serious physical injury or illness, including drug overdose, officers shall convey the person to the nearest hospital. The hospital is responsible to transport persons, not under arrest, after medical treatment.
- III. Officers shall search conveyed persons before entering the mental health facility.
- IV. Conveying officers shall complete a Police Referral for Psychiatric Evaluation form, explain the reason the person is in custody and the symptoms of mental illness. The statement must include one of the following categories:
 - A. The person represents a substantial risk of physical harm to self, evidenced by threats of, or attempts at, suicide or other serious self-inflicted bodily harm.

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- B. The person represents a risk of physical harm to others as shown by violent behavior, evidence of recent threats that place another in fear, or other evidence of danger.
- C. The person represents a risk of physical impairment or injury to self and unable to provide physical needs for self.
- V. After the person is admitted to the mental health facility, the conveying officers shall complete a Crisis Intervention report *and Crisis Intervention Team Statistic Sheet (attachment)*. *The Crisis Intervention Team Statistic Sheet shall be forwarded to the Cleveland Police Academy.*
- VI. Officers shall execute *Temporary Orders of Detention (Probate Warrant)* as required by ORC 5122.11 Judicial Hospitalization. *In this instance, the court has already adjudicated that probable cause exists and officers need not independently verify that the person named in the warrant is a threat to themselves or others.*
 - A. Officers shall search a person taken into custody and convey the person to the hospital named in the order for admission.
 - B. Officers shall sign the warrant and return it to the Officer-In-Charge.
- VII. *Medical Certificate ("Pink Slip")*
 - A. *A Medical Certificate, also known as a "Pink Slip", is a document issued by a health authority declaring that a person is a threat to themselves or others.*
 - B. *There is no mandate that an officer seize a person based solely on the issuance of a Medical Certificate. Such a seizure requires sufficient probable cause. The Medical Certificate does not in and of itself provide probable cause. Sufficient probable cause shall be based on the contents of the Medical Certificate and the application of objective reasonableness by the officer. Officers shall rely on their own observation of the person's mental condition to justify seizing the person.*

Officers may contact Mental Health Services Inc. for further assistance in assessing if probable cause exists if the person refuses to cooperate.

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1. *If probable cause exists for a seizure as initiated by the issuance of a Medical Certificate, officers shall require that the original signed Medical Certificate be attached to any paperwork required by the accepting mental health care facility.*
2. *Officers shall take all the same precautions regarding searches and handcuffing as with any other such seizure.*

VIII. Conveying prisoners for psychiatric evaluation: A prisoner shall remain the responsibility of the Division after psychiatric treatment.

IX. Return of AWOLs (Absence without Leave) and those visiting from mental hospitals.

- A. Officers shall contact the hospital by telephone (or C.C.S.) before returning the person, to confirm acceptance of the person. If the hospital will not accept the AWOL patient, officers shall determine if the person needs psychiatric evaluation. If so, officers shall contact Mental Health Services Inc. to arrange a psychiatric evaluation according to procedures.
- B. If officers have an AWOL patient from a non-local hospital, officers shall contact Mental Health Services, Inc. to arrange for a psychiatric evaluation.
- C. If a sponsor or family member, of a patient on a trial visit, requests return of the patient, officers shall contact the hospital from which the patient is released to determine the proper action.

X. Voluntary admissions and advice to relatives

- A. In non-emergency cases of suspected mental illness, officers shall advise the family or guardian to consult Mental Health Services Inc., a physician, general hospital, public mental health hospital, or seek assistance from Probate Court. Officers shall also provide the 24-hour hotline number for Mental Health Services Inc., (216) 623-6888.
- B. In non-emergency cases of suspected mental illness with no relative or guardian available, officers shall encourage the person to contact Mental Health Services Inc. for available services, or shall offer to transport the person to a hospital for psychiatric evaluation.

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XI. Request for assistance at mental health crisis shelters.

- A. Officers shall respond to the shelter to stabilize the situation, calling Mental Health Services Inc. is not necessary. If officers need to consult with the Mental Health Services Inc., they shall consult with the team after they have stabilized the situation at the shelter.
- B. Shelter staff will inform the officers of arrangements they have made. If they include transport to another facility, the officers shall make the transport.

Specification: As enumerated in specification for violation of Rule 1.07.

General Police Order 3.2.17: Crisis Intervention Officers

PURPOSE: To institute Crisis Intervention officers within the Cleveland Division of Police and to develop guidelines for utilizing these officers.

POLICY: The Division shall provide Crisis Intervention Training (CIT), for officers, to respond to radio calls and on view incidents that involve mental health issues. Calls shall not be held for CIT officers when engaged in priority assignments. CIT officers do not negate procedures for SWAT, hostage negotiations, or Bomb Squad call-ups. An incident may require police action although there is no violation of the law and the Cleveland Division of Police shall document such action in a Crisis Intervention Report. A Crisis Intervention Team Statistic Sheet (see Appendix) shall be completed and copies forwarded as set forth in this order.

PROCEDURES:

- I. Supervisor shall indicate on the daily car roster which cars have CIT officers when faxing their log to the Communication Control Section following roll call.
- II. CIT Officer Responsibilities.
 - A. CIT officers may be utilized in their district of assignment, when on duty if a mental health issue is involved in a call for service or on view incident.
 - B. Mental health calls are a two-person assignment, however, one CIT officer and any other basic patrol officer may be assigned or respond.

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- C. CIT officers shall forward the white and canary yellow copies of the Crisis Intervention Statistic Sheet to the Police Academy via division mail.
- III. CCS dispatchers shall attempt to dispatch a CIT officer to mental health disturbance calls if open, however, these two person assignments permit assigning to or assisting by any other officer when a CIT officer is already on an assignment.
- IV. The Training Section Supervisor Responsibilities
 - A. Shall provide CCS with a list of current CIT personnel biannually.
 - B. Shall retain the white copy of the Crisis Intervention Statistic Sheet in accordance with standard record retention policies and procedures.
 - C. Shall forward the canary yellow copy of the Crisis Intervention Statistic Sheet to the Cuyahoga County Community Mental Health Board.

Specification: As enumerated in specification for violation of Rule 1.07.

General Police Order 6.1.01: Crisis Intervention Report

PURPOSE: To set guidelines to make a Record Management System (RMS) report for a person who is taken into temporary custody to provide for their safety or the safety of others.

POLICY: An incident may require police action although there is no violation of the law and the Cleveland Division of Police shall document such action in a Crisis Intervention Report.

DEFINITION:

Temporary custody is the police activity required to convey a person who is in crisis for a psychiatric evaluation and/or hospital commitment.

Crisis is a situation in which an individual exhibits abnormal mental or physical behavior that threatens the safety of themselves or others but is not a violation of the law.

PROCEDURES: Officers who handle the assignment shall make a Record Management System (RMS) Crisis Intervention Report. Probate warrants are court orders and their execution may create a situation that requires a Crisis Intervention Report.

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- I. The individual who causes the police action is the victim for report purposes.
- II. The officers who make the report are the reporting persons.
- III. The narrative shall contain incident facts and the police units present, i.e. Special Weapons and Tactics Unit, Crisis Negotiation Team.
- IV. In the contact section, if applicable, note the hospital the victim is taken to and the name of the treating physician.

Specification: As enumerated in specification for violation of Rule 1.07.

Manual of Rules & Regulations for the Conduct and Discipline of Officers and Employees

II. ADMINISTRATIVE COMPLIANCE

Rule 2.01: Personnel shall not violate any law of the United States, the State of Ohio, Charter provision or ordinance of the City of Cleveland, or neglect to perform any duty required by law, nor shall they engage in any conduct that would constitute a crime under the laws of the United States, the State of Ohio, or the Charter provisions or ordinances of the City of Cleveland.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 2.02: Personnel shall not willfully disobey any rules, regulations, general police orders or directives of the Division of Police, or any lawful orders, written or oral, issued to them by a superior officer of the Division of Police.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 2.03: Personnel shall perform all duties required by rules, regulations, general police orders, directives, or orders of the Division of Police.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 2.04: Personnel shall study all rules, regulations, general police orders and directives pertaining to their duties, and shall be held accountable for any action contrary to these instructions.

Specification: As enumerated in specification for violation of Rule 1.07.

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Rule 2.05: Personnel shall be responsible for maintaining a complete and current set of General Police Orders either as a paper copy or in electronic format.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 2.10: Personnel shall familiarize themselves with all directives issued by the Chief of Police. Personnel absent from duty for any reason shall familiarize themselves with all orders and notices issued during their absence.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 2.14: The following are additional grounds for disciplining personnel, including removal, in addition to the grounds stated in Civil Service Commission rule 9.10:

- a. Incompetence
- b. Gross neglect of duty
- c. Failure to obey orders given by proper authority
- d. Any other reasonable and just cause

Specification: As enumerated in specification for violation of Rule 1.07.

IV. DUTY

Rule 4.01: Officers shall protect life and property, prevent crimes, detect, arrest and prosecute offenders, preserve the public peace and enforce laws and ordinances within the scope of their job classifications and in accordance to law.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 4.03: Personnel shall give full attention to the performance of their duties.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 4.05: Officers shall use only the amount of force reasonably necessary to effect the arrest and detention of subjects as governed by Division of Police policy and directives.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 4.12: Personnel shall be considered to be on duty at all times for purposes of discipline.

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Specification: As enumerated in specification for violation of Rule 1.07.

Rule 4.14: Personnel shall give assistance to injured and sick persons and obtain proper transportation to the nearest hospital.

Specification: As enumerated in specification for violation of Rule 1.07.

V. BEHAVIOR

Rule 5.01: Personnel shall not engage in any conduct, speech or acts while on duty, or off duty, which would reasonably tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 5.08: Personnel shall conduct themselves in such a manner as to command the respect of the public.

Specification: As enumerated in specification for violation of Rule 1.07.

Rule 5.09: Personnel shall be courteous and respectful in their speech, conduct and contact with others.

Specification: As enumerated in specification for violation of Rule 1.07.

CIVIL SERVICE COMMISSION 9.10:

TENURE: The tenure of every officer or employee in the classified service shall be protected during good behavior and efficient service.

No such officer or employee shall be discharged, suspended, or demoted for political, racial or religious reasons, or for refusing to contribute to any political fund, or refusal to render political service.

But any officer or employee in the classified service may be discharged, suspended, or reduced in rank for any one or more of the following causes:

1. Neglect of duty.
3. Incompetency or inefficiency in performance of duties.
5. Conduct unbecoming an employee in the public service.

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7. Disorderly, immoral, or unethical conduct while on duty.
10. Willful violation of any of the provisions of law governing the Civil Service of the City or of the rules or regulations of the Commission.
18. For other failure of good behavior which is detrimental to the service, or for any other act of misfeasance, malfeasance or nonfeasance in office.

Specification: As enumerated in specification for violation of Rule 1.07.

The pre-disciplinary conference is scheduled for **Friday, February 13, 2015, at 1030 hours** in the office of the Director of Public Safety. Should you desire union representation, it is your responsibility to notify your union of this conference. All testimony provided during the hearing shall be given the same weight as sworn testimony; therefore, your statements can and may be used against you at the hearing or at a later date.

Any documentation that could explain any of the above allegations shall be forwarded to the Case Preparation Office a minimum of 48 hours prior to the scheduled hearing. In addition, it is also your responsibility to bring the documentation to this scheduled hearing.

If you are to have witnesses appear on your behalf, a Form 1 listing their names must be provided to the Case Preparation Office via email (bcamey@city.cleveland.oh.us) or fax (216-623-5584) a minimum of 48 hours prior to the scheduled hearing. It is your responsibility to notify said witnesses of the date and time of the hearing. In addition, it is your sole responsibility to ensure the attendance of any witnesses appearing on your behalf.

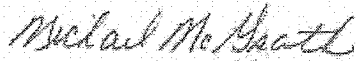
No overtime shall accrue as a result of their attendance. If the witnesses are Divisional members and scheduled to work during the hearing, prior permission for their attendance **MUST** be obtained from their appropriate Command Officer.

You are to appear in a complete "CLASS A" UNIFORM. Any witnesses that will appear are to be in full uniform of the day.

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THIS WILL BE YOUR TOUR OF DUTY
THESE CHARGES MAY BE AMENDED AT A LATER DATE

Regards,



Michael McGrath, Director
Department of Public Safety

MM:dmc

cc: Calvin Williams, Chief, Division of Police
Stephen Loomis, President, CPPA

The reasons for the redactions in the records provided are as follows:

The employee's house number and street name have been redacted under State ex rel. Dispatch Printing Co. v. Johnson (2005), 106 Ohio St.3d 160.